

IN THE CRIMINAL COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

WILLIAM R. KEY, CLERK
Of the Criminal Court of
Shelby County, Tennessee,

Petitioner,

vs.

DAVID LILLARD, Chairman,
Shelby County Board
of Commissioners and
A C WHARTON, JR., Mayor of
Shelby County, Tennessee,

Respondents.

No. P - 33030

BY

WILLIAM R. KEY, CLERK

2008 JUN 30 PM 3:04

FILED

ANSWER

COME NOW the HON. DAVID LILLARD, Chairman of the Board of County Commissioners, and the HON. A C WHARTON, JR., Mayor of Shelby County, Tennessee, by and through the Shelby County Attorney, and in response to the Petition filed in this cause would state unto the Court as follows:

1. The allegations of paragraph I of the Salary Petition ("Petition") are admitted.
2. The allegations of paragraph II of the Petition are admitted.
3. The allegations of paragraph III of the Petition are denied.
4. The allegations of paragraph IV of the Petition are denied.
5. The allegations of paragraph V of the Petition are denied.
6. The allegations of paragraph VI of the Petition are denied.

7. The allegations of paragraph VII of the Petition are admitted.

AFFIRMATIVE DEFENSES

8. The petition fails to state a claim upon which relief can be granted.

9. The Chairman of the Board of Commissioners is not a proper party to this action.

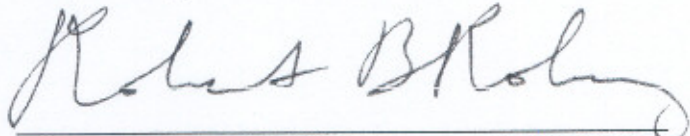
10. "Classified," or civil service, employees' salaries and benefits are not within the ambit of the Anti-Fee Statute, and therefore this court lacks subject matter jurisdiction to the extent it requests relief as to classified employees.

11. Petitioner failed to exhaust administrative remedies as to the classified positions.

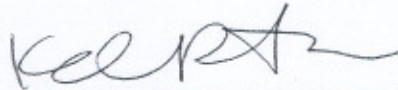
WHEREFORE, having answered the Petition in full, Respondents move that:

1. The Petition be dismissed at petitioner's cost; and
2. For such other and further relief as the Court may deem appropriate.

Respectfully submitted,



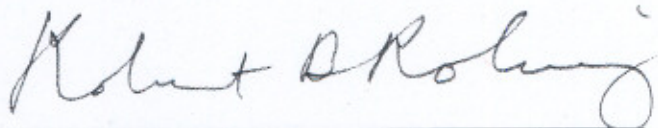
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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Answer by U.S. mail, postage pre-paid to David Kustoff, Attorney for Petitioner, 44 N. Second Street, Suite 502, Memphis, Tennessee 38103. Dated this 30th day of June, 2008.



ROBERT B. ROLWING